

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

SOVERAIN SOFTWARE LLC,

Plaintiff,

v.

CDW CORPORATION, *et al.*,

Defendants.

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C.A. No. 6:07-cv-511-LED

**DEFENDANT NEWEGG INC.'S UNOPPOSED
MOTION TO APPROVE SUPERSEDEAS BOND FOR
PURPOSE OF OBTAINING A STAY PENDING APPEAL**

Defendant Newegg Inc. ("Newegg") files this unopposed motion to approve the attached supersedeas bond for the purpose of obtaining a stay pending appeal pursuant to Rule 62(d) of the Federal Rules of Civil Procedure.

On August 11, 2010, the Court entered a Final Judgment. Newegg will timely file its appeal of the jury verdict, the Court's Final Judgment, and other adverse rulings. Accordingly, pursuant to FED. R. CIV. P. 62(d), Newegg files this motion requesting that the Court approve the attached supersedeas bond and stay any proceedings to execute on the judgment through appeal, but only insofar as the Final Judgment provides for (a) damages in the amount of \$2,500,000, (b) post-verdict damages of \$2,900 per day, (c) prejudgment interest at the prime rate, (d) prejudgment Costs of Court, and (e) post-judgment interest under 28 U.S.C. § 1961. This bond does not secure any on-going royalties that may be payable pursuant to the Final Judgment. Counsel for Newegg has conferred with counsel for Soverain Software LLC ("Soverain") and Soverain does not oppose the relief requested by Newegg. The supersedeas bond secures the

amount of \$3,718,233.88, which is computed pursuant to Eastern District Local Rule CV-62, and includes amounts required by that Rule that are not specified in the Final Judgment.

Newegg respectfully requests that the Court grant this motion, that the Court approve the supersedeas bond attached hereto as Exhibit A, and that based on the supersedeas bond, the Court enter the attached Order staying the proceedings to execute on or enforce the judgment against Newegg pending resolution of the appeal in this case.

Respectfully submitted,

Dated: September 1, 2010

By: /s/Richard A. Sayles (with permission
by Trey Yarbrough)

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ATTORNEYS FOR DEFENDANT NEWEGG INC.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being hereby served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on September 1, 2010. All other counsel of record will be served via facsimile or first class mail.

/s/ Trey Yarbrough
Trey Yarbrough